



May 16, 2006

Department of Ecology  
Water Quality Program  
Municipal Stormwater Permits  
P.O. Box 47696  
Olympia, WA 98504-7696

RE: NPDES Phase II Stormwater Permit, City of Port Angeles Comments

The City of Port Angeles is very concerned with continuing to being designated by the Department of Ecology as a City that will be regulated under the NPDES Phase II Stormwater Permit. The City of Port Angeles has concerns regarding the basis for our designation. Our specific concerns are related to our City's size, surrounding area, financial ability, and existing regulatory permits regarding water quality in our community. We have additional concerns that are in line with those of the Association of Washington Cities (AWC). These concerns are being provided separately by AWC.

The City of Port Angeles does not meet the size and density criteria to be included as a Phase II City even if the surrounding UGA population is included. The 2000 census population of Port Angeles was 18,397. The surrounding UGA area population is only around 3,500. Our growth rate is approximately 1%. We do, however, exceed the density of 1,000 per square mile. The NPDES Fact Sheet for Small Municipal Separate Storm Sewers in Western Washington Dated March 23, 2006 notes "Urbanized Areas are population centers with greater than 50,000 people and densities of at least 1,000 people per square mile.....". **Under this definition, the City of Port Angeles is not an urbanized area.**

DOE staff has confirmed that the Phase II would cover only the area within the City limits would be included under Phase II and not those areas in the surrounding UGA and Clallam County areas. In this area limitation the City would be required to accept unregulated stormwater flows from the adjacent UGA and Clallam areas that are in our watershed. This will put the City in the unacceptable position of trying to work with adjacent jurisdictions without the authority to require compliance. This will require added work and costs to comply with Phase II. Phase II areas should be defined by UGA limits and watershed limits. **The City of Port Angeles should not be included in Phase II until the UGA, Clallam County, and Olympic National Park surrounding watershed areas are also included.**

The City of Port Angeles is on the 303.d list contained in the 2002-2004 Water Quality Assessment of Washington. The listing is for exceeding parameters for dissolved oxygen in our harbor and fecal coliform in two creeks that traversing the City that originate in Clallam County. NPDES II designation will not resolve either listing. The dissolved oxygen is from past mill practices and log rafting debris. The fecal coliform listings are a County Department of Health issue. The Streams listed originate outside of the City. The City does not allow septic systems except for those limited areas that cannot reasonably access the City's sewer system. These few areas are permitted and regulated the Clallam County Health Department. The only endangered species listing is that for Chinook salmon in the harbor, not the streams. **The City should not be included in Phase II for being on the 303d list since we have no regulatory control over the problems listed.**

The City of Port Angeles, being a CSO City, is already heavily regulated by DOE and is pursuing an aggressive program to meet the requirements of our permit. Our CSO reduction plan, following discussions with DOE staff, has been submitted to DOE for review. The plan, as submitted and tentatively accepted, proposes a \$32 to \$42 million dollar capital program to meet the requirement of one CSO event per discharge point per year by the year 2015, based on availability of sufficient grant and low interest loan funding. The costs of meeting the CSO compliance schedule will push the City's wastewater rates well beyond the EPA's affordability limits. The added unfunded mandate costs to comply with NPDES Phase II should not be added to our rate payers burden. **The City of Port Angeles should not be included in Phase II until funding is provided by State or Federal agencies.**

In addition to the CSO permitting requirements, the City of Port Angeles complies with water quality permitting requirements of Federal ESA, Corps of Engineers, Tribal, DNR, WDF HPA, DOE, Shorelines, Critical Areas and other mitigation measures resulting from SEPA/NEPA.

**The City of Port Angeles is requesting again that DOE reconsider designation of our City as part of Phase II.** We are already heavily regulated in regards to water quality and cannot afford the additional costs to implement Phase II. Imposing Phase II on the City of Port Angeles will not accelerate the rate of water quality clean up. It will only add another unfunded layer of deadlines, monitoring, testing, and staffing that the City's residents cannot afford. In addition, the NPDES Phase II requirements proposed by DOE will essentially require adoption of the DOE Stormwater Manual which was originally intended to be used only for guidance and not as a requirement.

Sincerely,



Mark Madsen  
City Manager

cc: Council, UAC